

NUKK-FREEMAN & GERRA, PC
EMPLOYMENT ATTORNEYS

July 23, 2013

VIA ECF AND OVERNIGHT MAIL

Honorable Judge Katharine S. Hayden
United States District Judge
United States District Court, District of New Jersey
Martin Luther King, Jr. Federal Bldg. & Courthouse
50 Walnut Street
Newark, NJ 07102

**RE: The Prudential Insurance Company of America, et al. v. Credit Suisse, et al.
Docket No: 2:12-cv-07242 (KSH)(PS)**

Dear Judge Hayden:

Our firm, along with Quinn Emanuel Urquhart & Sullivan, LLP, represents Plaintiffs The Prudential Insurance Company of America, Commerce Street Investments, LLC, Pru Alpha Fixed Income Opportunity Master Fund I, L.P., Pruco Life Insurance Company, Pruco Life Insurance Company of New Jersey, Prudential Investment Portfolios 2, The Prudential Life Insurance Company, Ltd., Prudential Retirement Insurance and Annuity Company, and Prudential Trust Company ("Plaintiffs") in the above-referenced matter.

On behalf of Plaintiffs, we write to apprise the Court of two recently-issued residential mortgage-backed securities decisions: *The Prudential Insurance Company of America, et al. v. J.P. Morgan, et al.*, No. ESX-L-3085-12 (N.J. Super. Ct. Law Div., July 18, 2013), and *Capital Ventures International, et al. v. UBS Securities, LLC, et al.*, No. 1:11-cv-11937-DJC (D. Mass., July 23, 2013). In *Prudential v. J.P. Morgan*, the court upheld the same claims at issue in Credit Suisse's pending motion to dismiss, including Prudential's claim for violations of New Jersey's Civil RICO statute, which the court notes is an "extremely broad" statute (Op. at 52). In doing so, the Court rejected arguments by JP Morgan that New Jersey law does not allow an intra-corporate RICO enterprise comprised solely of affiliate companies. In *Capital Ventures v. UBS*, the court upheld an RMBS investor's claims for misrepresentations of credit ratings in RMBS offering documents. The court previously upheld claims for misrepresentations of underwriting guidelines, owner-occupancy rates, appraisals and loan-to-value ("LTV") ratios (Op. at 2). A copy of these decisions, which address issues identical to those raised in this litigation, are attached.

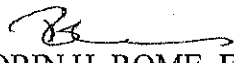
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We thank the Court for its consideration of these matters.

Respectfully Submitted,

NUKK-FREEMAN & CERRA, P.C.


ROBIN H. ROME, ESQ.

Enclosures

cc: All counsel of record (*via* ECF)